

1984 S.C. Op. Atty. Gen. 39 (S.C.A.G.), 1984 S.C. Op. Atty. Gen. No. 84-10, 1984 WL 159818

Office of the Attorney General

State of South Carolina

Opinion No. 84-10

January 31, 1984

*1 RE: Blue Law Inquiry, Opinion #727

Dr. James R. Metts
Sheriff
Lexington County
Post Office Box 639
Lexington, South Carolina 29072

Dear Sheriff Metts:

Attorney General Medlock has referred your letter, dated **January 9, 1984**, to me for reply.

You requested an opinion regarding the applicability of § 53-1-50 to the sale or offering for sale of mobile homes on Sunday. You also inquired as to whether the signing of a contract for sale on Sunday would constitute a violation under the statute. This office concluded, by an Opinion dated April 20, 1972, that sales of mobile homes on Sunday would be unlawful. Because the Blue Laws were amended in 1983, it is necessary to re-examine this issue in conjunction with the amendments.

The Blue Laws are found at [§§ 53-1-10 et seq., Code of Laws of South Carolina \(1976\)](#), as amended. Amendments enacted by the 1983 General Assembly substantially altered some of the provisions of the statutes. Left intact, however, was § 53-1-40, which provides that on Sunday it is unlawful for 'any person to engage in worldly work, labor, business of his ordinary calling or the selling or offering to sell, publicly or privately or by telephone, at retail or wholesale to the consumer any goods . . .' Since the sale of mobile homes could reasonably be classified as a business of one's ordinary calling, such a sale would be unlawful, absent an exemption in the statute.

Section 53-1-50 provides exemptions to the blanket prohibition found in the preceding section. At subsection (12), it is provided that § 53-1-40 would not apply to 'exhibition of non-commercial real property and mobile homes.' Generally, 'exhibition' has been defined as the showing or displaying of an object; or the offering or presentation of something for inspection. That may be contrasted with the definition of 'sale', which traditionally requires a contract or agreement between two parties by which a seller, in consideration of payment or a promise of payment of a certain price in money, transfers to a buyer the possession of property. Black's Law Dictionary (Revised 4th Ed.) pages 683 and 1503.

Since only the exhibition of mobile homes is allowed in § 53-1-50, it is reasonable to conclude that the sale would be prohibited. This interpretation is reinforced by the General Assembly's use of the word 'sale' with regard to several other items listed in § 53-1-50; one can thus conclude that, had the General Assembly intended the sale of mobile homes to be allowed on Sunday, it could have so specified in plain, clear language.

In addition, § 53-1-60 prohibits the sale or offering to sell of specific items. While the sale of mobile homes is not specifically prohibited, that section provides at its conclusion that 'no inference shall arise from the foregoing enumeration that either the sale or the offering for sell on Sunday of items or articles not mentioned is permitted'.

*2 Accordingly, the sale or offering to sell of mobile homes on Sunday would be unlawful under the Blue Laws.

Your second inquiry was whether the signing of a contract for sale on Sunday would be a violation under the statute Under the definition of 'sale', as set forth above, if the contract constituted an agreement between the seller and the buyer, by which the buyer would receive title and/or possession of property, in this case the mobile home, the contract would constitute a sale, and would be prohibited on Sunday. §§ 53-1-40, 53-1-50 and 53-1-60.

If further information is needed, please do not hesitate to contact this office.

Sincerely yours,

James G. Bogle
Assistant Attorney General

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